



United States
Department of
Agriculture

Rural
Housing
Service

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November 12, 2002

SUBJECT: Affirmative Fair Housing Marketing Plans

**TO: Rural Development Employees
Rural Development, Oregon**

PURPOSE/INTENDED OUTCOME:

Reviews of Affirmative Fair Housing Marketing Plans (AFHMP) as well as questions from borrowers indicate a need to clarify Agency and borrower responsibilities regarding AFHMPs. This Administrative Notice (AN) provides guidance on borrower compliance as well as Agency staff review and monitoring of AFHMPs.

COMPARISON WITH PREVIOUS AN:

This AN replaces previous Administrative Notices that have expired.

IMPLEMENTATION RESPONSIBILITIES:

It is the policy of USDA, Rural Development in Oregon to administer the Rural Housing and Community Facility programs affirmatively so that all individuals of similar income levels will have housing choices available to them regardless of ***Race, Color, Religion, National Origin, Sex, Marital Status, Income from public assistance, Familial Status, or Handicap.*** The AFHMP describes initial and on-going advertising, outreach (community contacts) and other marketing activities, which inform potential renters and or buyers of the existence of housing. The AFHMP is to reflect marketing efforts designed to reach very-low and low-income groups, which traditionally would be least likely to apply for such housing without special outreach efforts. The successful implementation of any affirmative marketing program depends in great measure upon the sensitivity of management, sales and rental staff to the importance of conducting the marketing program in a nondiscriminatory manner. Applicants and borrowers are responsible for instructing all employees and agents in writing and orally concerning nondiscrimination in housing. Records are to be maintained by the borrower, which reflect efforts to comply with the contents of the AFHMP.

EXPIRATION DATE:

FILING PROCEDURE:

USDA is an Equal Opportunity Lender, Provider and Employer
Complaints of discrimination should be sent to: USDA, Director,
Office of Civil Rights, Washington, D.C. 20250-9410

November 31, 2003

Preceding RD Instruction 1901-E

The following participants are required to complete the AFHMP: Subdivision developers requesting approval for five or more sites; MFH projects having five or more units, including SFH self-help technical assistance grantees assisting five or more families, and labor housing projects; Community Facility retirement homes, group homes and nursing homes; or when five or more REO properties are for sale in the same market area at the same time.

Participants must meet the requirements of RD Instruction 1901-E, Section 1901.203 ©, which requires an AFHMP be completed using Form HUD 935.2, "Affirmative Fair Housing Marketing Plan" (01/2001). HUD revised Form 935.2 in January 2001. Rural Development will only accept submittals utilizing the new form. The new form can be found on the Internet at www.hudclips.org.

The group least likely to apply for the particular program must be identified. For example, the group least likely to apply could be a particular ethnic group, single female heads of households, very low-income families, elderly low-income families, or disabled households needing handicap accessible features. All elderly projects must include outreach to applicants with disabilities, as they are eligible to live in elderly projects. The AFHMP should be completed to attract applications for occupancy from all potentially eligible groups and individuals in the housing marketing area.

Media sources and community contacts, which will be used to reach those groups and individuals least likely to apply for housing, are to be identified in the AFHMP. The use of minority-owned media is encouraged, as part of the overall marketing strategy, to publicize the program to all segments of the targeted groups and individuals. Rural Development Specialists or Technicians should be familiar with the make up of the circulation area or audience served by the media in the area. Advertising will occur at least annually to promote project visibility, even if there is an adequate waiting list. A copy of the annual advertisement will be sent to the servicing office and maintained in the borrower's outreach file for each project.

Marketing will not totally rely on "word of mouth" advertising. Appropriate social agencies and networks are to be contacted to assist in reach elderly, persons with disabilities and other individuals least likely to apply. Community contacts to be identified should include individuals or organizations that are well known in the project area or the locality and can influence persons within groups considered least likely to apply. Such contacts may include, but are not limited to neighborhood, minority, religious and women's organizations. Additional contacts can include service organizations, labor unions, employers, and public and private agencies. Organizations for persons with disabilities and individuals connected with those organizations, who are well known in the community, are additional sources to be contacted.

Before rental units, designed and constructed as accessible units for persons with disabilities, are rented to persons not in need of the special design features, diligent and **documented** marketing must be carried out to ensure that the availability of the units is made known to those in need of the special features. A person may qualify for the disability exemption and not qualify for the accessible units with the special design features. In some cases, individuals with disabilities do not occupy accessible units. If this is the case, borrowers will increase outreach efforts to market the availability of the units to individuals with disabilities. Such contacts

may include community resources such as the Area Commissions on Aging, physical rehabilitation centers, senior centers, Veterans of Foreign Wars, Disabled Veteran Organizations, and other similar organizations. The use of the International Symbol of Accessibility is encouraged as a marketing tool. **Each review of project operations will include a review of the occupancy of the accessible units as well as documented outreach efforts for those units.**

The 2000 census data shall be used to complete AFHMPs. Applicants/borrowers must utilize data published by the United States Census Bureau. The 2000 census date can be found on-line at <http://factfinder.census.gov>. Applicants/borrowers must provide census data for both the census tracts where the project is located (box 1j) as well as the market area (box 1). The market area and the census tract can be different or it can be the same.

The AFHMP for MFH and CF Programs will be reviewed and modified every three years based on outreach, applicant and occupancy information. The AFHMP for SFH self-help grantees will be reviewed and modified at grant application every two years. Each project will have the AFHMP updated whenever the situation in the marketing area of the project changes in a manner that outdates the plan or when there is a change in the management for MFH and Labor Housing projects. It will be the responsibility of the RD Loan Specialist or Technician to review the AFHMP during each compliance review. Projects experiencing occupancy problems will be required to identify special outreach efforts to fill vacant units.

Attachment A provides a checklist for those preparing and reviewing AFHMPs. The RD Loan Specialist or Technician is responsible for the review of the AFHMP. The RD Loan Specialist or Technician will notify the applicant/borrower of the need to correct any deficiencies. A copy of the approved HUD form 935.2 with attachments will be forwarded to the State Civil Rights Director. The State Civil Rights Director is required to monitor AFHMPs and report on the findings to the C.R. staff quarterly.

Questions regarding either this AN or the completion of the AFHMP should be direct to the State Civil Right Manager at 503-414-3353 or 503-414-3304. Additional information regarding AFHMPs can be found in HUD Form 935.2 (1/2001) Instructions; HUD Handbook No. 8025-1, Rev.-2; RD Instruction 1901-E; RD Instruction 1930-C.



LYNN SCHOESSLER
State Director

Attachment A

Page 1

**AFFIRMATIVE FAIR HOUSING MARKETING PLANS
CHECKLIST FOR COMPLETENESS**

Name of Borrower: _____

Name of Project: _____

Address of Project: _____

YES **NO**

1. Application and project Identification (Part of the Plan)

- a. Name, address and phone number of applicant/borrower.
Applicant/borrower is the legal entity who will be/is the recipient of Federal financial assistance.
- b. Name and address of project.
- c. Project number.
- d. Number of units.
- e. Price or rental range of units from lowest to highest. If there is Rental Assistance, the lowest rent should be shown as zero.
- f. The household types to be served by the project. E.g. elderly, non-elderly.
- g. The approximate starting dates for advertising to target groups. If applicable, enter the expected date of initial occupancy.
- h. The geographic region from which it is likely renters/purchases would be drawn. Attach copies of the 2000 census data from the United States Census Bureau (<http://factfinder.census.gov>).
- i. Census Tract numbers in which the project is or will be located.

Attach copies of the 2000 census data from the United States Census Bureau (<http://factfinder.census.gov>).

j. Name, address, and phone number of management agent.

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Page 2

YES NO

1. Type of Affirmative Marketing Plan (Part 2 of the Plan)

Check appropriate box. In most cases, the borrower will check “Project Plan”. A “Project Plan” is submitted for a MFH project or subdivision located on a single site. Scattered sites should be grouped and marketed according to the racial and ethnic composition of the census tracts in which they are located.

Indicate which group(s) in the market area are least likely to apply for the Housing because of its location and other factors without special outreach.

2. Marketing Program (Part 4 of the Plan)

a. Commercial Media

(1) Newspapers/Publications used. Advertisements must identify the project's handicap accessibility and contain the appropriate equal housing opportunity logotype or slogan.

(a) Name of newspaper/publication.

(b) Racial/ethnic identification of major readers/audience must be included. This information is available by calling the publisher newspaper/publication. If the publisher does not provide the information, borrower will construct an answer based on the best available data. “All” or “mixed” is an acceptable answer.

(c) Description, size and frequency of the newspaper/publication must be included.

(d) Copies of advertisements are attached to the plan.

(2) Radio and TV used. Advertisements must identify the projects

handicap accessibility and contain the appropriate equal housing opportunity logotype or slogan.

(a) Identify radio stations utilized.

(b) Provide approximate frequency and description of ad.

**Attachment A
Page 3**

YES NO

b. Brochures, Signs and HUD's Fair Housing Poster

(1) Brochures, leaflets, handouts, and other printed material are used to advertise. If yes, copies must be attached. If project utilizes a TDD/TTY or equally effective communication system that number must be listed every time the project number is given. Materials must also identify the project's handicap accessibility and contain the appropriate equal housing opportunity logotype or the equal housing opportunity slogan.

(2) Description of project sign must given. Project sign must be located at the primary site entrance and be readable and recognizable from the roadside; be at least 17 square feet if the project has 8 or more units; include the project name; show rental contact information including office location and telephone number; show the equal housing opportunity logotype (3-5% of the sign area). If the project utilizes a TDD/TTY, the number must be on the sign. The International Symbol of Accessibility is encouraged to be displayed.

(3) Size of Equal Housing Opportunity logotype has been given.

(4) Photograph of project sign is attached. Digital Photograph is acceptable.

(5) Location(s) of Fair Housing Poster(s) are identified.

c: Community Contacts

(1) Name, address and phone number of groups or organizations expected to be in direct contract with the members of the groups least likely to apply have been identified.

(2) Racial/ethnic identification of the group or organization has been given.

(3) Approximate dates to contact the group or organization has been given.

(4) Name of contact has been given.

(5) Method of contact has been indicated.

Attachment A
Page 4

(6) The specific function the group or organization will undertake has been identified.

(7) Copies of correspondence sent to each community contact are attached. A sample of the correspondence sent to each contact is acceptable.

3. **Future Marketing Activities (Part 5 of the Plan)**

Mark all boxes that describe future marketing activities to fill vacancies As they occur that include, as a minimum, "Newspapers, site sign, and Community contacts.

4. **Experience and Staff Instructions (Part 6 of the Plan)**

a. Mark the appropriate box.

b. Describe training to be provide to staff on Federal, State and local Fair Housing laws and regulations, as well as this plan. Attachments Should identify staff to be trained, course/conference agendas, name(s) of trainers, previous/projected dates of training.

5. **Additional Considerations (Part 7 of the Plan)**

Describe, as applicable, any additional considerations to attract persons least likely to apply.

6. **Signatures:**

An appropriate duly authorized official of the applicant has indicated title, dated and signed this plan.

STATUS OF REVIEW: ACCEPTED NOT ACCEPTED

ADDITIONAL INFORMATION NEEDED.

SIGNATURE: _____

NAME OF REVIEWER: _____

TITLE OF REVIEWER _____

DATE OF REVIEW: _____